



The information in this handbook may be updated during the course of the school year.

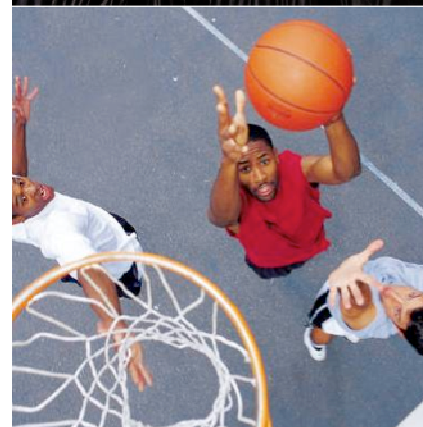
The latest version is available on the School District's web site.

www.philasd.org

For copies in languages other than English, please contact
Office of Translation and Interpretation Center at
215-400-6446.

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School District of Philadelphia
Education Center
440 North Broad Street
Philadelphia, PA 19130



2013-2014 Code of Student Conduct

The School District of Philadelphia



School Reform Commission

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Superintendent/CEO

Dr. William R. Hite, Jr.

**Deputy Chief,
Office of Student Rights and Responsibilities**

Rachel Holzman, Esq.

Student Pledge

*As a student of the School District of Philadelphia, I pledge to follow the Code of Student Conduct, **to respect others** and myself, and to treat everyone in my school community with fairness and consideration.*

I understand and agree that school must be a positive and cooperative environment so that everyone can learn.

I understand that my daily attendance is the key to my success.

*I understand that violence, disruptive behavior, and abusive language **are unacceptable** and will not be tolerated.*

By signing this pledge, I understand and accept the responsibility of the Code of Student Conduct, for as long as I am a student in the School District of Philadelphia.

Student's Signature: _____

Parent/Guardian/Caregiver Pledge

As a member of my child's school community, I have read and understand the Code of Student Conduct, and agree to support its purpose for as long as I am a member of this school community.

I understand that I play a critical role in maintaining an environment where learning is celebrated.

I will emphasize to my child the importance of good behavior and the possible consequences if he or she violates the Code of Student Conduct.

I understand the importance of, and expect open communication with The School District of Philadelphia when my child's behavior and discipline at school are involved.

I pledge to provide positive supports for my child to encourage his/her daily attendance, and to promote a positive learning environment for all.

Parent/Guardian/Caregiver's Signature: _____

District Pledge

*As a member of The School District of Philadelphia, I understand that I play a critical role in providing a safe and positive environment for all students. I pledge to follow the Code of Student Conduct, **to respect others** and myself, and to treat everyone in my school community with fairness and consideration.*

I commit to celebrate learning.

I commit to support teaching and learning by creating and maintaining a safe, orderly, and engaging environment.

I commit to promote respectful two-way communication with all school and community members.

I pledge to enforce the Code of Student Conduct in a fair and consistent manner.

Administrator's Signature: _____

PLEASE NOTE: The Code of Student Conduct is available in full on the District website at <http://www.philasd.org>

The Code is available in hard copy from your principal or from the Office of Parent, Family, Community Engagement and Faith-Based Partnerships at 215-400-4180.

For copies in languages other than English, please contact the Office of Multilingual Family Center at 215-400-6446.

The Code of Student Conduct will be in effect for a period of five years subject to change by the SRC.

Purpose of the Code of Student Conduct

- To support the creation of a safe learning environment for all members of the school community.
- To provide clear and explicit expectations for social behaviors in all school settings.
- Provide administrators with in-school interventions that address students' disruptive behaviors.

The safety and security of all school children is our highest priority, and the School District of Philadelphia is committed to providing a safe learning environment.

The Code of Student Conduct establishes policies, rules, and expectations for all school community members to learn, teach, and work together. These are common sense expectations built on respect for each other as our common core value. It follows, therefore, that students must refrain from violence against others, from bullying, harassment and carrying weapons.

Consequences for students who endanger school safety or disrupt the educational experience of others are listed in detail. The Code of Student Conduct applies during school and on the way to and from school, including, but not limited to, travel on School District vehicles, private transportation, and public transit systems.

Families and guardians are critical to our school community. We ask that they please read and understand the Code of Student Conduct and School Student Handbook, and discuss them with their child. We understand that families and guardians know best how to make sure that their child understands the expectations that will lead to a safe and orderly school community that is ready to learn.

This Code of Student Conduct provides definitions of behavioral offenses. Although some definitions include examples, the behaviors include, but are not limited to, the examples given.

Parents, guardians, and caregivers who have any questions or concerns are encouraged to contact the school principal.

District Policy Regarding Behavior

Behavioral Expectations & Responsibilities

Responsibilities of Everyone

- Respect all members of the school community.
- Maintain a positive school climate by being responsible, respectful, and cooperative.
- Communicate Code of Student Conduct expectations for students and staff.
- Motivate students to live up to the expectations through positive reinforcement.
- Use good judgment to prevent minor incidents from becoming major problems.

Responsibilities of Administrators

- Respect all members of the school community.
- Implement the Code of Student Conduct and all disciplinary procedures in a fair and consistent manner.
- Provide students and parents whose first language is not English with translation and interpretation services free of charge.
- Inform all school personnel, parents, and students of discipline policies.
- Review and act upon allegations and requests from school personnel concerning violations.
- Use professional judgment to prevent minor incidents from becoming major problems.

Responsibilities of Teachers

- Respect all members of the school community.
- Teach proper behavior and positively reinforce rules of conduct.
- Maintain a learning environment that provides for academic success.
- Hold students accountable for disorderly conduct in school and on school grounds.
- Address rule violations with multiple strategies.
- Use professional judgment to prevent minor incidents from becoming major problems.

Responsibilities of Students

- Respect all members of the school community.
- Understand and comply with school rules and climate expectations, including the Code of Student Conduct and School Student Handbook.
- Comply with the School District's attendance, dress code, unlawful harassment, and bullying policies.
- Behave in a manner that focuses on academic success.
- Be responsible and accountable for following rules.

Responsibilities of Parents / Guardians, and Advocates

- Respect all members of the school community.
- Respect, understand, and support school rules and regulations.
- Respect, understand, and support the policies of the School District of Philadelphia.
- Recognize and understand that school personnel must enforce school rules.
- Teach children to respect the rights of others and follow school rules.
- Emphasize the importance of being prepared for school and adhering to school rules to foster academic success.

Dress Code Expectations

Students are expected to follow their school's dress code so that their appearance does not cause a disturbance, distract or interfere with the instructional program, or constitute a health or safety hazard. A student's uniform should fit appropriately. School

principals must determine and communicate the final decision regarding what is considered proper or improper attire. For information regarding a school's dress code, please consult the School Student Handbook.

Principals may declare spirit or club days and allow students to wear school spirit shirts, or schedule dress-up days (i.e., when school pictures are scheduled) or allow students to wear other dress code attire such as uniforms or special dress for Boy Scouts, Girl Scouts, athletes, cheerleaders, band, or chorus. Nothing in this Code of Student Conduct restricts or bans a student wearing religious garb. Parents with concerns regarding religious dress are encouraged to discuss them with the principal.

Students shall have the right to dress in accordance with their stated gender identity and/or expression with the constraints of the school's dress code.

Examples of Appropriate Dress

- **Shirt:** Solid-colored golf or polo style collared, uniform-type, short-sleeve shirts in any color. Shirts are to be worn tucked in at all times. Turtlenecks acceptable in winter.
- **Pants:** Uniform-style, in any color with belt loops. Slacks or shorts must fit at the waist and must be free from frays and holes. Belts must be worn at all times with slacks and shorts, and must be visible at the waist. Undergarments should not be visible at any time.
- **Appropriate Length:** Pants, shorts, and skirts, that measure (front and back) no shorter than three inches above the knee. Skirts, jumpers, and dresses must measure no shorter than three inches above the knee.
- **Shoes:** Students must wear shoes while on school premises.
- **Socks:** Socks (or stockings for girls) must cover the ankle and be visible.
- **Outerwear:** Sweaters, sweater vests, sweatshirts, or light jacket without hoods are acceptable in the classroom. During class time, jackets are to remain open—not zipped or buttoned.
- **Coats:** Heavy coats and jackets may be worn to and from school and/or outdoors.
- **Special:** Spirit shirts/club shirts may be worn on day(s) determined by the school administrator.

Additional questions concerning the dress code should be referred first to the principal or his/her designee.

School Attendance Requirement

In Philadelphia County, school attendance is required for all children aged 6 to 17. "Attend school" means that a child must be enrolled

Attendance Expectations

and attend a public school, a charter school, a cyber charter school, or a private or religious-based school, or else participate in an approved home schooling program.

Pennsylvania Department of Education regulations state that children are considered school age from the time they are ADMITTED to the public school educational program until graduation from high school or reach the age of 21. During the time a child is of school age, he/she is entitled to attend the public schools in the School District of Philadelphia or a charter school. Students who turn 21 during the school term are entitled to finish out the school year.

Parents/guardians are expected to:

- Ensure that their children between the ages of 6 and 17 are enrolled in school and attend school regularly, on time, and for the entire school day.
- Emphasize the importance of on-time attendance in school, class, and supervised activities—and celebrate good attendance and success.
- Send their child to school every day prepared to participate and learn by providing a good night's sleep and breakfast.
- Establish reasonable, age-appropriate curfews and bedtimes.
- Make personal appointments for their child outside of the school day or during school breaks as often as possible.
- Ensure that their child receives the periodic student health examinations that are required by law.
- Schedule family vacations to coincide with school recesses.
- Call the school when their child is absent.
- Provide a written excuse for every absence when your child returns to school.
- Provide a written excuse for every late arrival and early departure.
- Provide the school with provide correct current addresses, emergency contacts, home, cell and work telephone numbers, e-mail addresses to the school at the beginning of each school year and update information whenever there are changes.
- Help develop and implement the individualized plan for their child's improved attendance when necessary.

When Can a Child Be Absent?

Sometimes students have to miss school. These "excused absences" include circumstances such as illness or injury, teen parent leave (delivery only), death/funeral-related absence (see below), education-related trips or activities, suspension, and religious holidays. A written notice from a parent or guardian must be submitted to the school immediately upon a student's return to school. Such notice must include a valid telephone number or other means of contact for verification purposes. Certification of illness/injury/delivery is required if the absence extends for three (3) or more consecutive days.

An "unexcused" or "illegal absence" occurs when a student is absent without a valid excuse in writing. That means that either no written notice was submitted to the school upon the student's return or that the reason provided in the notice

was deemed invalid. Examples of invalid excuses include (but are not limited to) babysitting, waking up late, or being on vacation with family.

Responses to Non-Attendance (Truancy)

A student who is absent without a valid excuse is considered “truant” from school. A pattern of truancy can lead to a variety of interventions or penalties, depending upon the circumstances. On the school level, truancy can result in school-based interventions (home visits, truancy elimination plans, academic supports, social service referrals, etc.) or truancy court. Suspension from school or transfer to an alternative education setting is not a permissible response to truancy.

According to Compulsory School Attendance Law, a judge or hearing officer may require students and/or their parents/guardians to do any or all of the following:

- Appear at a hearing regarding the student’s truancy.
- Perform reasonable school or community service for a period designated by the hearing officer.
- Complete a parenting education program.
- Obtain counseling or other supportive services, including a re-entry, or other service plan determined appropriate by authorized school officials.
- Pay a fine of up to \$300.
- Pay court costs.
- Serve up to five (5) days in county jail.

Children who are truant may be declared dependents of the state as part of the adjudication process.

Visitors to Campus

Parents and guardians are encouraged to visit schools and meet with teachers and administrators about their child’s progress. Visitors to campus must present themselves to the school office or have standing permission from the principal. To provide safe and orderly learning environments, each visitor to public school buildings or grounds must receive authorization of the school principal or his/her designee.

Students must comply with school rules while traveling to and from school or any school-related activity, whether on foot or by any means of transportation including, but not limited to, School District vehicles, private transportation, or public transit systems. All responses to infractions, including suspension, are applicable for misconduct that occurs on the way to and from students’ homes or school-related activities.

Transportation Conduct

Referrals to the Philadelphia Police Dept

Some infractions of the Code of Student Conduct may also be crimes. The Memorandum of Understanding (MOU) lists the crimes which *must* be reported to the Philadelphia Police Department as well as those

crimes which *may be* reported to the Philadelphia Police Department.

The Memorandum of Understanding is available on The School District of Philadelphia website at: <http://www.philasd.org>

Principals, teachers, and other school professionals hold high expectations for students’ learning and behavior. Though there can be no excuse for behavior that harms or disrupts, there may be reasons that caring adults in school need to understand. We educate the whole child. Therefore, adults in schools will use a range of responses to help students’ reconnect to their school community, and learn greater self-discipline, including:

In School Intervention

- Get a student’s attention by calling his/her name in a calm voice.
- Address the student in private.
- State the problem behavior.
- State expected behavior and why the student needs to follow the expected behavior.
- Listen to the student’s response and capture opportunity to help student problem-solve new behaviors.
- Indicate the specific consequence for continuing to engage in the problem behavior—and the positive consequences of change.
- Ask student to demonstrate the expected behavior.
- Acknowledge the student’s listening to you and/or exhibiting the appropriate behavior (e.g. thanks, praise, reward).
- Contact the parent/guardian to set up a conference to describe the student’s problem behaviors, listen to parent/guardian, and discuss possible disciplinary consequences.
- Refer the student to appropriate intervention (e.g., individual or group counseling, or school-based programs)
- Implement a Response to Intervention (RTI) Tier II action, for continued minor infractions
- Authorize in-school suspension when all other interventions are unproductive
- Document the infraction on discipline referral report (EH20-pink slip).
- Behavioral Contracts

Note: Additional interventions are available through RtII for behavior in School Net. Out-of-school suspensions should be used as a last resort and only when in-school interventions and consequences are insufficient to address a student’s inappropriate behavior.

| Disruptive Behaviors | Rule | Consequences* | | | | |
|-------------------------------------------------------------------------|------|-------------------------------------------------------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------|
| | | Level 1: In-School Interventions (including in-school suspension) | Level 2: Out-of-School Suspension | Level 3: Contract w/ Intervention or Lateral Transfer | Level 4: Disciplinary School Assignment | Level 5: Disciplinary School Assignment w/ Expulsion Referral |
| | | | | Levels 3, 4, or 5 Consequences require a referral to the Office of Student Rights and Responsibilities. | | |
| Failure to follow classroom rules/disruption | 1A | ✓ | | | | |
| Dress code violation | 1B | ✓ | | | | |
| Failure to carry hall-pass/appropriate ID | 1C | ✓ | | | | |
| Failure to participate in class/unpreparedness | 1D | ✓ | | | | |
| Truancy/excessive tardiness/cutting class | 2 | ✓ | | | | |
| Possession of beepers/pagers/cell phones/other electronic devices | 3A | ✓ | | | | |
| Possession of other inappropriate personal items | 3B | ✓ | | | | |
| Profane/obscene language or gestures | 4 | ✓ | | | | |
| Public display of affection/inappropriate touching | 5A | ✓ | ✓ | | | |
| Inappropriate use of electronic devices | 5B | ✓ | ✓ | | | |
| Mutual fighting (two or more students engaged in mutual combat) | 6 | ✓ | ✓ | | | |
| Forgery of administrator, teacher, or parent's/guardian's signature | 7 | ✓ | ✓ | | | |
| Alteration of grade reporting/excuses/school documents | 8 | ✓ | ✓ | ✓ | | |
| Destruction and/or theft of property (less than \$1,000) | 9 | ✓ | ✓ | ✓ | | |
| Harassment/bullying/cyber-bullying/intimidation | 10 | ✓ | ✓ | ✓ | ✓ | |
| Sexual acts (consensual) | 11 | | ✓ | ✓ | | |
| Threatening students/staff with aggravated assault | 12 | | ✓ | ✓ | ✓ | |
| Destruction and/or theft of property (totaling \$1,000 or more) | 13 | | ✓ | ✓ | ✓ | |
| Breaking and entering school property | 14 | | ✓ | ✓ | ✓ | |
| Robbery | 15A | | ✓ | ✓ | ✓ | |
| Extortion | 15B | | ✓ | ✓ | ✓ | |
| Mutual fight with a documented serious bodily injury | 16 | | ✓ | ✓ | ✓ | |
| Simple assault (documented unprovoked attack by one student on another) | 17 | | ✓ | ✓ | ✓ | |
| Possession of alcohol or drugs – intent to use | 18A | | ✓ | ✓ | ✓ | ✓ |
| Possession of alcohol or drugs - intent to distribute | 18B | | ✓ | ✓ | ✓ | ✓ |
| Possession or use of fireworks/incendiary devices/explosives | 19 | | ✓ | ✓ | ✓ | ✓ |
| Assault of school personnel | 20 | | ✓ | ✓ | ✓ | ✓ |
| Instigation or participation in group assaults | 21 | | ✓ | ✓ | ✓ | ✓ |
| Aggravated assault (documented serious bodily injury) | 22 | | | | ✓ | ✓ |
| Sexual acts (non-consensual) | 23 | | | | ✓ | ✓ |
| Possession of a weapon | 24 | | | | ✓ | ✓ |
| Intentionally placing another person in danger | 25 | | ✓ | ✓ | ✓ | ✓ |

*Consequence Levels are not mutually exclusive. For example, if a student is referred to the Office of Student Rights and Responsibilities, that student will also be suspended out of school for some period between 1 – 10 days.

Due Process

All students are to be treated fairly and honestly. Students have a right to be heard and tell administrators their versions of events.

If you believe your child is a victim you are encouraged to speak with the school's administrator.

If you feel you need victim services, please contact the Safe Schools Advocate at (<http://www.phillyossa.com>) or call 215-656-5381.

At formal conferences, students have the right to expect that school officials will:

1. Inform the student of the reason for a conference.
2. Give the student an opportunity to respond to allegation(s).
3. Discuss student's problem behavior and ways to correct it.
4. Inform the student of the corrective action and/or next steps to be taken.
5. Document the problem behavior and intervention.

Student Conference Procedures

Parent Conference Procedures

At formal conferences, parents, guardians, and caregivers can expect that school administrators will see to it that the following protocol is followed:

1. Notice of a conference must be provided to the parent/guardian in writing and either hand-delivered to the home, sent by certified mail, faxed, emailed, or communicated by other reasonable means.
2. When a student is suspended, a parent/guardian conference must be held within three (3) days of the suspension.
3. At the conference, the parent/guardian or caregiver may request to review the student's records and any witness statements.
4. School administrators will discuss the student's problem behavior and ways to correct it.
5. School administrators will inform the parent/guardian of any further disciplinary action

Suspension Procedures

According to Pennsylvania law, suspension is defined as the denial to a student of the right to attend school and to take part in any school function for any period of up to 10 days. Suspensions must be preceded by notification to the student and parent/guardian in writing. For the purposes of the School District of

Philadelphia's Code of Student Conduct, suspensions comprise three categories: In-school, short-term, and long-term.

In-School Suspensions

In-school Suspension is an exclusion from a classroom for disciplinary purposes that allow a student to **remain** under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision.

Out-of-School Suspensions

Short-term Suspension is an exclusion from school and/or any school activity or function for a period of **three (3) or fewer school days**. Students who are suspended must meet with the principal or his/her designee prior to the suspension. During the conference, the student has the right to the procedures described under *Student Conference Procedures* outlined in this Code of Student Conduct.

Long-term Suspension is an exclusion from school and/or any school activity or function for a period of **four (4) to 10 school days**. Students who are given a long-term suspension are to participate in a student conference and a parent/guardian conference. During the parent conference, the student and parent/guardian have the right to the procedures described under *Parent/Guardian Conference Procedures* section in the Code of Student Conduct. In addition, prior approval by the Assistant Superintendent is required for long-term suspension. **In addition, prior approval by the Deputy Chief of the Office of Student Rights and Responsibilities is required for all long-term suspensions consisting of 10 school days.**

All referrals to the Office of Student Rights and Responsibilities for an EH21 discipline hearing must be preceded by an out of school suspension.

Students in grades K-5 do NOT go through the transition process.

Instead, they are referred through the Response to Instruction and Intervention (RtII) process.

K-5 Student Discipline

Transition Procedures

Students with a pattern of disruptive behavior and/or serious violations of the Code of Student Conduct may be referred to the Office of Student Rights and Responsibilities. Students who are referred receive full due process, including a hearing to determine whether the student will be transferred to a disciplinary school. These schools provide high-quality alternative educational programs and more support to help students who've had behavior problems elsewhere achieve their intellectual and social potential.

Students referred for a hearing will be suspended and provided the procedures indicated in the Suspension Procedures section of the Code of Student Conduct. The school must complete a Behavior Performance Review (BPR) for regular education students or a Manifestation Determination for special education students and share the results of the review at the parent/guardian conference. **When a hearing is not scheduled during the time of a student's suspension, students have the right to return to their school pending the outcome of the hearing.**

Students/Parents/Guardians have the right to a hearing to be conducted by an independent and impartial hearing officer. During the hearing process, parents/guardians may oppose the request for their student's removal from the school. At a hearing, students and parents/guardians have the right to:

- Present witnesses;
- Present evidence relevant to the alleged infraction
- Request and ask questions of school district personnel; and
- Review student records in advance
- If the hearing officer makes a finding that the alleged violation occurred, s/he shall determine an appropriate consequence within the applicable range of the matrix.

Note: Please refer to the **Discipline for Students with Disabilities** section for discipline protocols for students with disabilities.

Expulsion Procedures

According to Pennsylvania law, expulsion is defined as an exclusion from school and any school activities for more than 10 school days. Students who have committed an offense subject to expulsion will also be suspended and have the right to the procedures found in the Suspension Procedures section of the Code of Student Conduct.

In addition, students will receive a formal Expulsion Hearing conducted by an independent hearing officer appointed by the School Reform Commission (SRC). Counsel may represent the student. In addition, the student has the right to:

- Present witnesses and evidence;
- Request and cross-examine District witnesses; and
- Review student records in advance; and
- Review evidence in advance

A student who has been permanently expelled from the School District of Philadelphia by the affirmative vote of a majority of the School Reform Commission (SRC) may apply for readmission. If a student is expelled by the SRC, the parent /guardian of the student

has 30 days to provide written documentation that the student is in another educational program. If they are unable to find an alternative educational program, the School District of Philadelphia will provide for the student's education. The SRC delegates complete authority for all readmission decisions to the Chief Executive Officer/Superintendent or his/her designee. Temporarily expelled students need not apply for readmission because they are automatically readmitted to the School District of Philadelphia at the end of the expulsion period. Readmission decisions are final and not subject to review by appeal to the SRC or the courts.

Readmission of Permanently Expelled Students

Expunging Records for Expelled Students

A student who has been permanently or temporarily expelled by the affirmative vote of a majority of the SRC, beginning in school year 2008-2009, may apply to the School District of Philadelphia to have his/her records of expulsion erased from the students' records, or expunged. Expunging records occurs at the discretion of the Superintendent or his/her designee, and is not subject to review or appeal to the SRC or the courts.

The complete SRC Board Policy No. 233, including the criteria and process for readmission and or impingement of records, may be found on The School District of Philadelphia's website at: <http://www.philasd.org/offices/administration/policies>

Discipline for Students with Disabilities

Suspensions for Special Education Students Identified as Intellectually Disabled (“MR”)

The District can only suspend students identified as Intellectually Disabled (“MR”) with either written agreement of the parent/guardian or the written approval of the Bureau of Special Education of the Pennsylvania Department of Education (PDE). The

PDE can be contacted by calling (717) 783-6913.

Suspensions, Expulsion, and Transfer for All Other Disabled Students – Including Students with 504 Service Agreements

The District may suspend students with disabilities and cease educational services for up to five (5) consecutive school days or 15 cumulative school days in one school year without providing special education procedural safeguards.

Schools must complete the following steps A through G below, for students with an Individualized Education Program (IEP) or Section 504 Service Agreements if any of the following are being considered:

1. Expulsion Referral.
2. Request to transfer to an Alternative School for disciplinary reasons (the school must file an EH-21).
3. Suspension for more than 10 consecutive days.
4. Suspensions for more than 15 cumulative days.
5. Suspensions totaling more than 10 days in an academic school year and when there is a pattern of problem behavior.

Steps:

A team must convene a Manifestation Determination meeting within 24 hours of the misconduct, and will invite the parents/guardian. The team must:

- A) Provide written notice to the parent/guardian of the recommended disciplinary action and the date of the proposed Individualized Education Program (IEP) team meeting.
- B) During the IEP/Manifestation Determination meeting, the IEP team will review the student’s most current evaluation, IEP and placement to determine if the referred misconduct is related to the student’s disability. Two questions are to be answered by the school team at the manifestation meeting: (1.) Is the conduct caused by, or did it have a direct and substantial relationship to, the student’s disability? or (2.) was the conduct in question a direct result of the school’s failure to implement the student’s IEP.
- C) If the school team determines that the student’s **behavior is NOT a Manifestation of the Disability**, school officials may apply the Code of Student Conduct. In no event, however, may the student be suspended without providing appropriate educational services for more than five (5) consecutive or 15 cumulative school days in a school year.

- D) A Notice of Recommended Educational Placement (NOREP) must be issued with the results of this determination and a copy of the Procedural Safeguard Notice (PSN) must be given to the parent/guardian.

***If parents or caregivers disagree with the decision, they can request an expedited Special Education Hearing** and the Commonwealth-appointed hearing officer would review the manifestation determination.

- E) If necessary, the IEP team shall reviews and revises the existing behavior intervention plan or, as necessary, complete a functional behavior assessment and intervention plan to address the misconduct.
- F) The IEP team determines the appropriateness of an interim alternative educational setting, and as indicated, include in the IEP those services and modifications that will enable the student to continue to participate in the general education curriculum and help prevent the problem behavior from recurring.
- G) If the student’s **behavior IS a Manifestation of the Disability**, the student’s placement may not be changed unless:
 - (1) The student carried a dangerous weapon* to school or a school function;
 - (2) The student knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school function; and
 - (3) The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

In these special circumstances and **over parent/guardian objections**, school officials may remove the student, by issuing a NOREP to an interim alternative education setting for not more than 45 school days.

- If the behavior is determined to be a manifestation of the student’s disability, the conduct is not a “special circumstance” (see step G.1-3 above), and the student is substantially likely to cause injury to himself/herself or others if maintained in the current placement, the District may ask for an expedited hearing conducted by a Special Education Hearing Officer to obtain a 45-day interim placement.
- Students with disabilities, even if expelled, must be provided with a Free and Appropriate Public Education (FAPE).

***NOTE:** A “dangerous weapon” is a weapon, device instrument, material or substance that is used for, or is readily capable of causing death or serious bodily injury. However, in the case of a pocketknife, blades less than two-and-one half inches in length are not considered dangerous weapons. A multiple cutting device is a “dangerous weapon.”

Glossary of Terms

“Aggravated Assault” – an act that causes serious physical harm or creates a substantial risk of serious physical harm to another member of the school community.

“Bullying” – engaging in behavior that prevents or discourages another student from exercising his/her right to education. Bullying behavior is defined as aggressive or intentional hurtful behavior perpetrated repeatedly over a period of time and in a relationship characterized by an imbalance of power (with regards to gender, physical or mental strength, social acceptance etc.). Such prohibited behavior includes the use of teasing, taunting, threats, coercion, repeated harassment, abuse, oppression, intimidation against students, school personnel, or school visitors or exclusion of anyone physically, psychologically, or sexually.

“Cyber-Bullying” – bullying that occurs by use of electronic devices through means of e-mail, instant messaging, text messages, blogs, photo and video sharing, chat rooms, mobile phones, pagers, and websites and causes a substantial disruption to the educational environment.

“Corporal Punishment” – physically punishing a student for an infraction of the Code of Student Conduct. Corporal Punishment does not include teacher and school authorities’ use of force (1) to quell a disturbance; (2) to obtain Possession of weapons or other dangerous objects; (3) for the purpose of self-defense; or (4) for the protection of persons or property.

“District” – The School District of Philadelphia.

“Disrespectful Behavior” – defiance of authority and/or insubordination; non-violent/non-physical, talking back to school staff; failure to follow directions; failure to respond to school staff questions or requests; refusal to participate in classroom activities; verbal insults or put-downs; use of profane or offensive language; picking on, bothering, teasing, or distracting other students; making inappropriate gestures or comments; and other rude behavior.

“Disruptions” – eating, drinking, being too loud, standing, running, loitering, throwing objects, talking out of turn, or other behavior that distracts student learning.

“Drugs” – includes controlled substances and illegal substances, as well as “look-alikes” which are defined by any substance that, by appearance, representation or manner of distribution, would lead a reasonable person to believe that the substance is an illegal drug or other controlled substance.

“Electronic Device” – any devices that includes, but is not limited, to radios, walkmans, CD players, iPods, MP3 players, DVD players, handheld game consoles, personal digital assistants, cellular telephones, Blackberries, and laptop computers, as well as any new technology developed with similar capabilities.

“Gang” – any ongoing organization or group of people with an identifiable name or identifying sign or symbol or whose members individually or collectively engage in or have engaged in a pattern of activity that endangers or disrupts the safety of the school or Members of the School Community.

“Group Assault” – an assault committed by multiple offenders. This does not refer to a mutual fight (see “Mutual Fighting” in this Glossary), but a situation where one or more victims are attacked by a group of students.

“Harassment” – a demand of sexual favors, or threatening or intimidating gestures or behavior that creates a hostile school environment because of someone’s gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, socioeconomic status and/or political beliefs.

“Inappropriate Personal Items” – any object that is inappropriate for an educational setting (including, but not limited to, pornography, dice, playing cards, and other gambling instruments).

“Inappropriate Touching” – may include incidental contact when lacking malicious intent or reasonable knowledge of the consequences of his/her behavior.

“Lateral Transfer” – a transfer to another school setting.

“Mutual Fighting” – two or more students engaged in a physical confrontation where it is unclear which one is the assailant and which one is the victim.

“Placing Another in Danger” – students are not to engage in, or attempt to engage in, any conduct that poses a risk of serious bodily injury to any school community member.

“Possession” – physical control over property (whether lost, found, or stolen), such as clothing, lockers, bags, and the contents contained therein.

“Response To Intervention (RTI)” – the School District’s intervention system for students who are having academic and/or behavioral challenges.

“School Community Member” – any member of a school’s staff (including teachers, administrators, and other employees), and also visitors to the school, including police officers, behavioral health and social workers, and visiting parents.

“School Grounds” – any property owned or utilized by the School District or Philadelphia or property utilized by any vendor under contract to The School District of Philadelphia.

Glossary of Terms (continued)

“School Privileges” – any school-related activity or program including but not limited to graduation ceremonies, class trips, dances, sport teams, clubs, or recess.

“Sexual Act” – exposing or touching one’s own genitals, breast, or buttocks or those sexual parts of another person, engaging in intercourse, oral sex, or simulated sex.

“Simple Assault” – an act that causes bodily injury to another member of the school community.

“Trespass” – the entrance onto school grounds when prohibited.

“Vandalism” – willful and malicious acts of damage or defacement to public or private property, which includes but is not limited to graffiti in excess of \$150, school pranks that cause a major disruption, or arson.

“Weapon” – includes any of the following, but is not limited to, any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm; any firearms, whether loaded or unloaded; cap guns; simulated guns; pellet guns or BB guns; knives; box cutters; cutting instruments; nunchuku; scissors; mace; simulated weapons; or laser pointers.

A student commits a Rule 24 (weapon) violation even if the student did not intend to use the object as a weapon.